IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

LIONEL AND CYNTHIA FRANCOIS   **PLAINTIFFS**

V.   **CIVIL ACTION NO.: 3:06cv434WHB/JCS**

COLONIAL FREIGHT SYSTEMS, INC.
AND JOHN DOES 1-5   **DEFENDANTS**

WAIVER OF MEDICAL PRIVILEGE

CAME ON THIS DAY for hearing, the motion of the defendant for an Order compelling plaintiff Lionel Francois to waive any medical privilege which may exist between him and each and every physician, each and every hospital, or any other individual or medical/treatment facility which may be subject to any medical privilege, the Court considering the motion and being otherwise fully advised Orders the following:

(1) Lionel Francois's medical privilege is waived as to any medical provider which he may have treated with for physical or mental health complaints, requiring each of the individuals or facilities involved in his treatment to disclose fully to this defendant and their counsel, any findings and copies of all the records regarding Lionel Francois, not just limited to examination, diagnosis, treatment, and prognosis, but together with all medical records, reports, logs, charts, graphs, x-ray film, pathology materials, slides, paraffin blocks, gross tissue, and all other materials maintained by pathology relative to him, psychotherapy notes and findings, all subject to the protective order entered by this court pertaining to Lionel Francois' psychiatric treatment and records;

(2) That the aforesaid waiver further does not permit nor allow the defense counsel to have *ex parte* contact or otherwise confer or meet with any health care providers who have rendered treatment to Lionel Francois for his physical, mental or emotional condition.

SO ORDERED this 27th day of November, 2006.

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_____S/James C. Sumner_____
UNITED STATES MAGISTRATE JUDGE

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PREPARED AND SUBMITTED BY:
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